IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

**WRIT PETITION NO : 10796 of 2005**

Between:

1. Syed Moin, S/o. Syed Khadeer,
   R/o. H.No. 10-148/10/M, Ganesh Nagar, Balanagar (M), Ranga Reddy District.

2. Shoukat Ali, S/o. Babar Ali,
   R/o. H.No. 10-148/6/E/B to D, Ganesh Nagar, Balanagar (M), Ranga Reddy District.

3. Smt. Sala Lakshmi Bai, W/o. Sala Prabhakar,
   R/o. H.No. 10-148/10/J, Ganesh Nagar, Balanagar (M), Ranga Reddy District.

**..... PETITIONERS**

AND

The Commissioner, Kukatpally Municipality,
Kukatpally, Ranga Reddy District.

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a an appropriate Writ or direction more particularly one in the nature of Writ of Mandamus, declaring the impugned endorsement of the respondent in No.U.C/TPS-III/122/2004-05, Dt. 23-4-2005, 25-4-2005 and 23-4-2005 issued to the petitioners respectively directing them to remove their houses along with compound walls bearing D.Nos. 10-148/10/M, 10-148/6/E/B to D and 10-148/10/J to L in sy.No. 54 and 56 situated at Ganesh Nagar, Balanagar (M), Ranga Reddy District as illegal, unjust arbitrary and contrary to the provisions of A.P.Municipalities Act 1965 and A.P. Urban Areas (Development) Act 1975 besides being violative of principles of natural justice and set-aside the same and consequently to direct the respondent not to demolish the petitioners houses, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.K.SANKARAYYA**
**Counsel for the Respondent: MR.POLISETTI RADHAKRISHNA (SC FOR MPL)**

**The Court made the following :**

O R D E R :

1. This Writ Petition has been filed by the petitioners who are three in number with a prayer to issue a Writ of Mandamus declaring the impugned endorsements of the respondent in No.U.C/TPS-III/122/2004-05, Dt. 23-4-2005, 25-4-2005 and 23-4-2005 as illegal, arbitrary and contrary to the provisions of A.P.Municipalities Act 1965 and A.P. Urban Areas (Development) Act 1975.

2. Heard both sides.

3. Learned counsel appearing for the petitioners submits that the respondent has been instigated by the persons against whom the petitioners filed civil suits and made the respondent to issue the endorsements impugned in the writ petition. Whereas it is submitted by learned Standing Counsel for the respondent-Municipality that the impugned notices are appealable under section 345 of A.P.Municipalities Act, 1965 and therefore the writ petition is not maintainable. The writ petitioners under the impugned notice issued by the respondent have been directed to remove the unauthorized structures of basement, room and compound wall etc. Under section 345 of A.P. Municipalities Act, 1965 the notices issued by the Commissioner is appealable and appeal lies to the Government. Such is the situation the writ petitioners have to work out their remedy as provided under Sec.345 of A.P. Municipalities Act, 1965.

4. Accordingly, this writ petition is dismissed with liberty to the petitioners to work out their remedies as per section 345 of A.P. Municipalities Act, 1965. No costs.

Dt: 12-07-2005. ( B.Seshasayana Reddy,J )

tnb

ASSISTANT REGISTRAR

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SECTION OFFICER

To

1) The Commissioner, Kukatpally Municipality,
Kukatpally, Ranga Reddy Dsitrict.

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